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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Luis Enrique GARZA Defendant.	Mag. Case No. '07 MJ 8951 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1324(a)(1)(A)(ii) Illegal Transportation of Aliens

The undersigned complainant, being duly sworn, states:

On or about November 27, 2007, within the Southern District of California, defendant Luis Enrique GARZA, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Leonor Brigitte REYES-Bautista, Angeles Florinda PINOS-Gonzalez, and Jose Jesus LARA-Renteria had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 29th DAY OF NOVEMBER 2007.

Peter C. Lewis
United States Magistrate Judge

UNITED STATES OF AMERICA
v.
Luis Enrique GARZA

STATEMENT OF FACTS

The complainant states that this complaint is based upon statements in the investigative reports by the apprehending U. S. Border Patrol Agent S. Carter that on November 27, 2007, the defendant Luis Enrique GARZA, a United States Citizen, was apprehended near Calexico, California, as the driver of a 1992 burgundy Ford Crown Victoria, bearing California license 2ZLE798, as he smuggled four (4) undocumented aliens from Mexico, in violation of law.

On November 27, 2007, at approximately 5:10 P.M. Agent S. Sedano was operating the Calexico Border Patrol's Remote Video Surveillance System as he observed four individuals illegally enter the United States by climbing over the International Boundary Fence from Mexico approximately three miles east of the Calexico West Port of Entry. Agent Sedano observed the illegal entrants crawl to and attempt to hide on the side of Anza Road, which is the first road north of the border. Agent Sedano reported his observations to agents in the area. Agent Vega-Torres was in the area and observed a burgundy Ford Crown Victoria stop on the side of the road near the illegal entrants. Agent Vega-Torres observed the illegal entrants board the Ford and the driver, later identified as Luis Enrique GARZA, drove eastbound from the area.

A records check of the Ford revealed the California registration was expired and there is a release of liability on the vehicle. Agent Vega-Torres maintained constant visual on the Ford as it drove northbound on Barbara Worth Road. A controlled tire deflation device was successfully deployed on the Ford. Agent Vega-Torres used the emergency lights and siren in an attempt to stop the Ford. GARZA failed to yield. GARZA finally stopped at the intersection of Highway 98 and Barbara Worth Road after the front two tires on the Ford were completely flat.

Agent Vega-Torres approached the Ford and observed GARZA still sitting in the driver's seat. Agent Vega-Torres identified himself and questioned the occupants of the Ford. It was determined GARZA is a United States Citizen and the other four occupants are citizens of Mexico illegally in the United States. GARZA and the others were arrested and transported to the Calexico Border Patrol Station.

GARZA was advised of his rights as per Miranda. GARZA stated he understood his rights and was willing to answer questions without the presence an attorney. GARZA stated he has been living in Mexicali, Mexico, for the past four months. GARZA stated he was offered a job for $400.00 by a smuggler in Mexicali to smuggle illegal aliens. GARZA stated he obtained the Ford and a phone from the smuggler after crossing into the United States. GARZA stated he saw the illegal entrants on the side of the road and stopped to pick them up. GARZA stated someone popped his tires then he saw lights and heard a siren behind him. GARZA stated he did not stop right away and he was still behind the steering wheel when he was arrested.

Material Witness Leonor Brigitte REYES-Bautista stated she is a native and citizen of Mexico illegally in the United States. REYES stated she made arrangements with an unknown smuggler in Mexicali, Mexico to be smuggled illegally into the United States. REYES states she was picked up and taken to an area where she met with the three other individuals that climbed over the International Boundary Fence into the United States with her. REYES states they crawled to the road and waited for the vehicle to pick them up. REYES stated the smuggler on the south side (in Mexico) yelled to them when it was the next car coming. REYES stated after boarding the Ford, the male driver, GARZA, continued to drive until someone popped the tires on the Ford and she heard a siren behind them. REYES stated GARZA continued to drive until he finally stopped.

Material Witnesses Angeles Florinda PINOS-Gonzalez stated she is a native and citizen of Mexico illegally in the United States. PINOS stated she made arrangements with an unknown smuggler in Mexicali, Mexico to be smuggled illegally into the United States. PINOS states she was picked up and taken to an area where she met with the three other individuals that climbed over the International Boundary Fence into the United States with her. PINOS states they crawled to the road and waited for the vehicle to pick them up. PINOS stated after boarding the Ford, the male driver, GARZA, continued to drive until someone popped the tires on the Ford and she heard a siren behind them. REYES stated GARZA continued to drive until he finally stopped.

Material Witness Jose Jesus LARA-Renteria stated he is a native and citizen of Mexico illegally in the United States. LARA stated he made arrangements with an unknown smuggler in Mexicali, Mexico, to be smuggled illegally into the United States. LARA stated he was picked up and taken to an area where he met with the three other individuals that climbed over the International Boundary Fence into the United States with her. LARA stated they crawled to the road and waited for the vehicle to pick them up. LARA stated after boarding the Ford, the male driver, GARZA, continued to drive until someone popped the tires on the Ford and he heard a siren behind them. LARA stated GARZA continued to drive until he finally stopped.

REYES and LARA were able to positively identify photo number 1, GARZA, from a six pack photo line-up as the driver of the Ford.

REYES, PINOS and LARA stated they were to paid $1,500.00 to $2,500.00 to be smuggled illegally into the United States.

The complainant states that the names of the Material Witnesses are as follows:

NAME	**PLACE OF BIRTH**
Leonor Brigitte REYES-Bautista	Mexico
Angeles Florinda PINOS-Gonzalez	Mexico
Jose Jesus LARA-Renteria	Mexico

Further, complainant states that Leonor Brigitte REYES-Bautista, Angeles Florinda PINOS-Gonzalez, and Jose Jesus LARA-Renteria are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.